REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 1, 4, 8-19, 23-26, 29, and 33-45 are amended, and claims 1-45 are pending in the application.

Claims 8-10, 33-35, and 43-45 stand rejected under 35 USC §112, second paragraph. The indication of informalities is appreciated. The claims 1, 4, 8-19, 23-26, 29, and 33-45 have been amended to ensure compliance with §112, second paragraph. For example, the claims as amended specify that the *host computer* includes some form of a server, recited for example as a "server" (claims 1 and 26), an "executable server application" (claim 11), a "web based management server resource" (claim 19), or a "server means" (claim 36). The host computer may include an HTTP interface, and a management resource (see, e.g., claim 9), also referred to as a "management client".

Hence, as described in the specification with reference to Figure 1, the server 14a executed in the host computer 12a can send the request to any one of the management clients, including the management client 20 executed locally within the host computer 12a (see request 30a). Further, any one of the management clients (e.g., of host computer 12c) can send a request (e.g., 30c) to another management client (e.g., of host computer 12d).

In view of the foregoing, it is believed the claims as amended satisfy the requirements of §112, second paragraph.

Claims 1-3, 6-10, 11, 15-20, 25, 26-28, 31-38 and 41-45 stand rejected under §103 in view of U.S. Patent No. 6,587,866 to Modi et al. in view of the publicaion by Alteon. This rejection is respectfully traversed.

Each of the claims as amended specifies an arrangement for providing web based management of host computers via an open protocol network. In particular, the server receives a web-based user request that <u>specifies</u> execution of a management operation by at least one selected host computer <u>that is specified in the web-based user request.</u> Hence, unlike the applied prior art which attempts to distribute load among multiple back-end servers in a manner that is *transparent* to the user, the claims specify that the user request <u>explicitly specifies</u> the

management operation to be performed, and the host computer that is to perform the management operation. These and other features are neither disclosed nor suggested in the applied prior art.

As admitted in the Official Action, Modi et al. does not disclose or suggest that the server sends back a web-based user response based on the web response from the at least one selected host computer; in fact, Modi et al. teaches away from this feature by describing that the selected server node sends return communications directly back to the client (see, e.g., col. 11, lines 8-10). Moreover, Modi et al. neither discloses nor suggests *web based management of host computers*, based on the user sending a web-based user request specifying execution of a management operation by a selected host computer specified in the user request.

Modi et al. describes a scalable cluster system that provides scalable services for client applications, where "[t]he scalable services are transparent to the client application." (Abstract, lines 2-3). Modi et al. teaches away from the claimed invention by providing a scalable cluster system of server nodes where "the traffic coming to a particular shared IP address is distributed to any node of the cluster that is capable of satisfying the request" (col. 2, lines 65-66). Further, the request from the client includes "a destination address specifying a service provided by the cluster of nodes" (col. 3, lines 25-26).

Aleton describes server load balancing, where a "web switch" distributes load across "a group of servers running a common application (or set of applications) while making the group appear as *one server* to the client." (Page 1, Overview, lines 1-2). Aleton further teaches away from the invention by describing in paragraph 2 of the Overview that "Clients are not aware that there are a number of real servers participating in providing this service."

Hence, the hypothetical combination simply would provide a distributed server system providing a given service, where the fact that the service is provided by any number of a plurality of servers is *transparent to the user*.

Each of the claims, however, specify that the web-based user request specifies execution of a management operation by at least one selected host computer, where the at least one selected host computer is specified in the request. Hence, as described in the specification, multiple host

computers in a distributed system can be simultaneously and asynchronously managed, including organization and control of configuration data in each of the host computers, using a web based interface for a user such as a system administrator, enabling a scalable and sophisticated management of the entire network.

An evaluation of obviousness must be undertaken from the perspective of one of ordinary skill in the art addressing the same problems addressed by the applicant in arriving at the claimed invention. Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, 23 USPQ 416, 420 (Fed. Cir. 1986), cert. denied, 484 US 823 (1987). Thus, the claimed structures and methods cannot be divorced from the problems addressed by the inventor and the benefits resulting from the claimed invention. In re Newell, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

The hypothetical combination does not even begin to address the problems associated with management of host computers, but rather is concerned with providing distributed services by utilizing multiple servers that are transparent to the user. Hiding the multiple host computers from the users (as performed in the hypothetical combination) is the antithesis of the objectives sought by the claimed invention, namely being able to manage the host computers using a web based management.
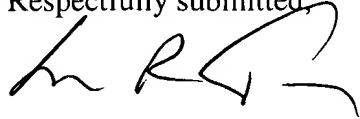
For these and other reasons, this §103 rejection should be withdrawn.

It is believed that claims 4, 5, 12-14, 21-24, 29, 30, 39 and 40 are allowable in view of the foregoing.

In view of the above, it is believed this application is and condition for allowance, and such a Notice is respectfully solicited.

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To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-463, and please credit any excess fees to such deposit account.

Respectfully submitted,

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(February 5, 2005 = Saturday)

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